



**Testimony Submitted to the Planning and Development Committee
in Support of:**

**S.B. 43: An Act Expanding the Recreational Land Use Act
S.B. 90: An Act Concerning the Recreational Land Use Act
H.B. 5254: An Act Expanding the Recreational Land Use Act**

*Submitted by Peter Dorpalen, Executive Director
Council of Governments of the Central Naugatuck Valley*

The Council of Governments of the Central Naugatuck Valley (COGCV) consists of the mayors and first selectmen of the thirteen municipalities in the greater Waterbury area. On behalf of the Council, I strongly urge your support of three bills to restore recreational liability protection to municipalities: S.B. 43: An Act Expanding the Recreational Land Use Act; Senate Bill 90: An Act Concerning the Recreational Land Use Act; and H.B. 5254: An Act Expanding the Recreational Land Use Act.

The bills will amend the State's Recreational Land Use Act (CGS §§ 52-557f, et seq.) to provide protection to municipalities that was eroded by the State Supreme Court ruling in *Conway v. Wilton*. With that court case, Connecticut cities and towns lost immunity from personal injury lawsuits involving public recreation. Waterbury recently settled for \$8 million with a person who was severely injured sledding in Fulton Park. The MDC settled for \$2.9 million for injuries to a bicyclist who hit a gate on MDC reservoir land in West Hartford.

Municipalities are very concerned that they may be forced to close their recreational lands to the public because the cost of lawsuits makes use prohibitively expensive. At a COGCV meeting this fall, Waterbury Mayor Michael Jarjura discussed the unfortunate possibility of restricting access to city parks if liability legislation is not changed. The City cannot continue to absorb the costs of injury settlements. Middlebury has talked about closing a popular sledding hill next to the town hall to reduce the town's liability exposure.

This runs counter to state initiatives to encourage greater physical activity – Leave No Child Inside, WalkCT, and public health initiatives to combat obesity. In the Central Naugatuck Valley Region, towns have been working together to fund and construct multi-use recreational trails: Farmington Canal path through Cheshire (and extending to New Haven), the Naugatuck River Greenway extending the length of the region, and the Trolley Line path in Middlebury. Chief elected officials have expressed concern over the increased liability of these recreational paths.

Your support for legislation to restore municipal liability protection from the recreational use of municipal land is essential.

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